

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1, what is meant by "the session description protocol message" is it the same as the message generated in accordance with session description protocol?

Referring to claim 14, what is meant by "the session description protocol message" is it the same as the message generated in accordance with session description protocol?

Referring to claim 15, what is meant by "the session description protocol message" is it the same as the message generated in accordance with session description protocol?

Referring to claim 20, what is meant by "the session description protocol message" is it the same as the message generated in accordance with session description protocol?

Referring to claim 24, what is meant by "the session description protocol message" is it the same as the message generated in accordance with session description protocol?

Referring to claim 26, what is meant by "the session description protocol message" is it the same as the message generated in accordance with session description protocol? Additionally what is meant by "including" and "sending" in front of "means for"? "including" and "sending" modify the structure of the means for and therefore make this claim indefinite. The metes and bound of this claim cannot be assessed because the examiner cannot determine what structure applicant is referring to in the specification and drawings with regard to each of the "means for".

Referring to claim 27, what is meant by "the session description protocol message" is it the same as the message generated in accordance with session description protocol? Additionally what is meant by "data network" and "application server" in front of "means for"? "data network" and "application server" modify the structure of the means for and therefore make this claim indefinite. The metes and bound of this claim cannot be assessed because the examiner cannot determine what structure applicant is referring to in the specification and drawings with regard to each of the "means for".

Referring to claim 28, what is meant by "the session description protocol message" is it the same as the message generated in accordance with session description protocol? Additionally what is meant by "including" and "sending" in front of "means for"? "including" and "sending" modify

the structure of the means for and therefore make this claim indefinite. The metes and bound of this claim cannot be assessed because the examiner cannot determine what structure applicant is referring to in the specification and drawings with regard to each of the "means for".

Referring to claim 29, what is meant by "the session description protocol message" is it the same as the message generated in accordance with session description protocol? Additionally what is meant by "receiving at a processor" and "indicating at a processor"?

Referring to claim 32, what is meant by "the session description protocol message" is it the same as the message generated in accordance with session description protocol? Additionally what is meant by "memory and processor are configured to process"? The relationship is normally that the processor executes the program or code stored in the memory. Is this what applicant is trying to say?

Referring to claim 35, what is meant by "the session description protocol message" is it the same as the message generated in accordance with session description protocol?

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 14 & 35-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claims 14 and 35, claims 14 and 35 are directed to a computer readable medium which can be interpreted as a transitory medium or signal which is non-statutory. In order to traverse this rejection the applicant needs to amend the claim to a non-transitory computer readable medium and to argue on the record that there is no intent for the computer readable medium to be a transitory medium.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-5, 7-15, & 20-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6. Referring to claims 1, 14, 15, 20, 24, 26, 27, 28, 29, 32, & 35; where in the specification is there support for "such that sending a additional message to communicate with the floor status information to the user equipment is avoided"; consequently, the examiner believes that new matter may have been added.

7. Referring to claim 20, the original claim 20 did not provide support for a processor where in the specification is there support for a processor. Consequently, the examiner believes that over the course of the prosecution the applicant has added new matter which is not supported by the specification.

8. Referring to claim 29, claim 29 was not part of the original claim set and applicant has added defined a processor. Originally there were only 26 claims. Where in the specification is there support for a processor to receive. Consequently, the examiner believes over the course of prosecution that the applicant has added new matter.

9. Referring to claim 32, claim 32 was not part of the original claim set and applicant has added defined a processor. Originally there were only 26 claims. Where in the specification is there support for a processor and a memory. Consequently the examiner believes that the applicant has added new matter.

Claim Objections

10. Claims 1-37 objected to because of the following informalities:

Referring to claim 1, the examiner objects to the usage of "including in a message generated in accordance with session description protocol ..such that sending additional message to communication additional message between the communication system and user is avoided " can be interpreted as optional claim language .

The examiner recommends that the applicant amend the claim to be positive recited; such as,

A method comprising:

generating a session description protocol message containing floor status information of a data communication media in relation to a party of a communication session;

the floor status information message including: at least one of an offer, an answer of a session initiation, and a port number;

sending the session description protocol message from a communication system to user equipment in order to avoid sending additional session description protocol message containing said floor status information.

Referring to claim 14, the examiner objects to the usage of "including the floor status information to a user equipment such that sending additional message to communicate the floor status information to the user equipment is avoided " because "including the floor status information to a user equipment such that sending additional message to communicate the floor status information to the user equipment is avoided" can be interpreted as optional claim language.

The examiner suggests that the applicant amend the claim to be positively recited; such as:

A computer program product stored on a non-transitory computer readable medium as computer executable instructions which when executed by a processor perform the following steps:

generates a session description protocol message containing floor status information of a data communication media in relation to a party of a communication session;

the floor status information message including: at least one of an offer, an answer of a session initiation, and a port number;

sends the session description protocol message from a communication system to user equipment in order to avoid sending additional session description protocol message containing said floor status information.

Referring to claim 15, the examiner objects to the usage of "the application server further configured to send the session description protocol message including the floor status information to a user equipment via the data network such that sending additional message to communicate the floor status information to the user equipment is avoided."

The examiner suggests that the applicant amend the claim to be positively recited; such as:

A system comprising:

A data network configured to provide data communication resources;

An application server with a processor:

Said processor is configured to generate a session description protocol message containing floor status information of a data communication media in relation to a party of a communication session;

the floor status information message is a value representing at least one of an offer, an answer of a session initiation, and a port number;

said processor sending the session description protocol message via said data network from a communication system to user equipment in order to avoid sending additional session description protocol message containing said floor status information.

Referring to claim 20, the examiner objects to the usage of “in a message generated in accordance with session protocol, floor status,...such that sending additional message to communicate the floor status information to the user equipment is avoided” because “in a message generated in accordance with session protocol, floor status,...such that sending additional message to communicate the floor status information to the user equipment is avoided” can be interpreted as a non positive claim recitation.

The examiner suggests that the applicant amend the claim to be positively recited; such as:

A system comprising:

A data network configured to provide data communication resources;

An application server with a processor:

Said processor is configured to generate a session description protocol message containing floor status information of a data communication media in relation to a party of a communication session;

the floor status information message is a value representing at least one of an offer, an answer of a session initiation, and a port number;

said processor sending the session description protocol message via said data network from said processor to user equipment which results in a connection between the user equipment and said application server via said data network ; and
thereby avoids sending additional session description protocol message containing said floor status information.

Referring to claim 24, the examiner objects to the usage of “generated in accordance with a session description protocol,...such that sending additional message to communicate the floor status information to the user equipment is avoided” can be interpreted as a non positive claim recitation.

The examiner suggests that the applicant amend the claim to be positively recited; such as:

A system comprising:

A node configured to transmit or receive a session description protocol message which describes a communication session;

the session description protocol message including floor status information:

Said floor status information including at least one of an offer, an answer of a session initiation, a protocol associated with the communication session

A processor configured to send the session description protocol message in order to avoid sending additional session description protocol message containing said floor status information.

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Referring to claim 26, the examiner objects to the usage of “including ...such that sending additional message to communicate the floor status information to the user equipment is avoided ” because “including ...such that sending additional message to communicate the floor status information to the user equipment is avoided can be interpreted as optional claim language. The examiner recommends that the applicant amend the claim to have a more positive claim language.

The examiner suggests that the applicant amend the claim to be positively recited; such as:

A system comprising:

Means for generating a session description protocol message including floor status information of a data communication media in relation to a part of a communication session:

Said floor status information including at least one of an offer, an answer of a session initiation, a protocol associated with the communication session

Means for sending said session description protocol message from a communication system to user equipment in order to avoid sending additional session description protocol message containing said floor status information

Referring to claim 27, the examiner objects to the usage of “generated in accordance with session description protocol ...such that sending additional message to communicate the floor status information to the user equipment is avoided.”

The examiner suggests that the applicant amend the claim to be positively recited; such as:

A system comprising:

Means for providing data communication resources; and

Means for connecting to a data communication network

Means for generating a session description protocol message including floor status information of a data communication media in relation to a part of a communication session:

Said floor status information including at least one of an offer, an answer of a session initiation, a protocol associated with the communication session

Means for sending said session description protocol message from a communication system to user equipment in order to avoid sending additional session description protocol message containing said floor status information

Referring to claim 28, the examiner objects to the usage of “generated in accordance with session description protocol ...such that sending additional message to communicate the floor status information to the user equipment is avoided.” The examiner suggests that the applicant amend the claim to be positively recited refer to the examples above for more details.

Referring to claim 29, the examiner objects to the usage of “generated in accordance with session descript protocol ...such that sending additional message to communicate the floor status information to the user equipment is avoided.” The examiner suggests that the applicant amend the claim to be positively recited refer to the examples above for more details.

Referring to claim 32, the examiner objects to the usage of “generated in accordance with session descript protocol ...such that sending additional message to communicate the floor status information to the user equipment is avoided.” The examiner suggests that the applicant amend the claim to be positively recited refer to the examples above for more details.

Referring to claim 35, the examiner objects to the usage of “generated in accordance with session descript protocol ...such that sending additional message to communicate the floor status information to the user equipment is avoided.” The examiner suggests that the applicant amend the claim to be positively recited refer to the examples above for more details.

Specification

11. The disclosure is objected to because of the following informalities: The original claim 14 provided support for a computer program product which runs on a computer but failed to provide support for a computer readable medium (non-transitory). The examiner requests that applicant either amend the specification to better define the non-transitory computer readable medium based upon there may be an inherent basis for a memory to store the computer program product which is a non-transitory computer readable medium or that the applicant cancel all of the claims which are associated with the computer program product. Appropriate correction is required.

12. The disclosure is objected to because of the following informalities: The original claim 15 provided support for a computer program product but failed to provide support for a computer readable medium (non-transitory). The examiner requests that applicant either amend the specification to better define the non-transitory computer readable medium based upon there being an inherent basis for a memory to store the computer program product which is a non-transitory computer readable medium or that the applicant cancel all of the claims which are associated with the computer program product. Appropriate correction is required.

Response to Amendment

13. Applicant's arguments with respect to claims 1-5, 7-15, & 20-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14 Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Robert W Wilson/
Primary Examiner, Art Unit 2475

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